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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,351

07/26/2003

Kevin Meret

TAME-001

2322

7590

09/01/2005

Law Office of Frank P. Becking  
P.O. Box 800  
Palo Alto, CA 94302

EXAMINER

RODRIGUEZ, PAMELA

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/627,351

Applicant(s)

MERET, KEVIN

Examiner

Pam Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6,9,10,15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,11-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Amendment filed June 22, 2005 has been received and considered.

#### ***Response to Affidavit***

2. The affidavit filed on June 22, 2005 under 37 CFR 1.131 is sufficient to overcome the "Gearhead Heaven" reference and accordingly the rejections to this effect have been withdrawn.

3. The affidavit filed on June 22, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kickstart reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Kickstart reference. According to applicant's information disclosure statement submitted March 26, 2004, the effective date of the Kickstart reference is listed as October 2001, which is before applicant's reduction to practice date of January 18, 2002, therefore, the rejections regarding this reference have been maintained.

#### ***Drawings***

4. The drawings were received on June 22, 2005. These drawings are objected to for the reasons outlined below.
5. The drawings are objected to because in Figure 1A, element "12" located nearest element "40" should read -22- (the interface member), as this is the element the lead

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line is pointing to, in Figure 1B, the lead line of element "26" needs to point to the spring member on the pin/piston member 42 as illustrated in Figure 1A, also in Figure 1B, lower element "20" nearest element "22" should be deleted as element 20 defines the base assembly and is illustrated as such above element "30" in the figure, and in Figure 2, top element "72" should read -24—to be consistent with the preceding drawings and lines of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 2, 5, 7, 11-14, and 16-19 are rejected under 35 U.S.C. 102(a) as being anticipated by the "Kickstart – Locked and Loaded" article provided by applicant.

Regarding Claim 1, the Kickstart article discloses a suspension fork temporary restraint system having all the features of the instant invention including: a base (i.e., the base of the fork assembly shown), a pin/hook, a spring, and a fork interface member (see the circled portion of the figure), wherein the base is configured to slidably receive the pin (see the text of the article description), wherein the pin is configured to interlock with the interface member when the base is installed on the suspension fork, upon compression of the suspension fork followed by depression of the pin from an initial state (see the text of the article), and wherein the spring is positioned to bias the depression of the pin and return the pin to its initial state upon additional compression of the suspension fork releasing the interlocking of the pin and the interface member (see the text of the article).

Regarding Claim 2, the Kickstart article further discloses that the pin/hook has a distal recess (i.e., the hook itself) and the interface member has a complimentary ledge (i.e., the hole for the hook to latch onto) to provide lateral engagement between the pin and the interface member (see the figure provided).

Regarding Claim 5, see the figure.

Regarding Claim 7, see the figure.

Regarding Claim 11, see the figure.

Regarding Claim 12, see the figure.

Regarding Claim 13, see the text of the article which discusses the compression amounts.

Regarding Claim 14, see the figure.

Regarding Claim 16, see the figure.

Regarding Claim 17, see Claims 1 and 13 above.

Regarding Claim 18, see the text of the article.

Regarding Claim 19, the Kickstart article teaches an amount of compression of at least 5-6 inches. Therefore, if the compression amount is at least that much, inherently the compression amount would be at least 3-4 inches as claimed.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Kickstart article in view of U.S. Patent No. 5,022,501 to Hayashi et al.

Regarding Claim 3, the Kickstart article discloses most all the features of the instant invention as applied above, except for the pin being capped by a button head at a proximal end.

Hayashi et al are relied upon merely for their teachings of a locking means for a shock absorber (see Figure 1) having a locking pin 43 capped by a button head at a proximal end (see Figure 1, column 4 lines 6-16, and column 5 lines 28-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the pin of the Kickstart reference with a button head as taught by Hayashi et al in order to allow for easier adjustment of the pin. By providing a large button-type cap to the pin, the rider can more easily activate the pin so that it can perform its intended function.

Regarding Claim 4, the Kickstart article does not disclose a coil spring interposed between the base and the button head coaxial with the pin, wherein the distal end of the base has an increased diameter relative to a body of the pin, to provide a stop against the base.

Hayashi et al are again relied upon for their teachings of a locking means for a shock absorber (see Figure 1) having a coil spring 44 interposed between a base and the button head (see Figure 1 and the base portion of the shock absorber housing pin hole 42, where the spring is located between a right half of this base portion and the button head), and wherein a distal end of the base (see Figure 1 and the left end of the base on which the button head of the pin rests thereon) has an increased diameter

relative to a body of the pin 43 (at least the narrowest portion of the pin) to provide a stop against the base (see Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the pin of the Kickstart reference with the claimed spring and base structure as taught by Hayashi et al in order to ensure that the pin remain locked within the base and maintains it's proper orientation to adequately perform its locking/unlocking function.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Kickstart reference.

Regarding Claim 8, the Kickstart reference discloses most all the features of the instant invention as applied above except for the interface member comprising a split ring for attachment to the fork.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the interface member of the Kickstart reference to include a split ring structure as a matter of design preference. As long an interface member is present in the front fork assembly, it's design, shape, configuration, etc. is arbitrary.

### ***Response to Arguments***

11. Applicant's affidavit, filed June 22, 2005 has been fully considered and deemed sufficient to overcome the Gearhead Heaven article reference. Thus, this rejection has been withdrawn.



However, as described in paragraph 3 above, the evidence in the affidavit submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Kickstart reference. According to applicant's information disclosure statement submitted March 26, 2004, the effective date of the Kickstart reference is listed as October 2001, which is before applicant's reduction to practice date of January 18, 2002, therefore, the rejections regarding this reference have been maintained.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Mondays 5:30 AM -4 PM and Tuesdays 5 AM -11 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chuck Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pam Rodriguez  
Primary Examiner  
Art Unit 3683

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